



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/646,089	02/01/2001	Pamela Boujra	67190/984046	3756

26646 7590 07/10/2003

KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

RODRIGUEZ, ISABEL

ART UNIT PAPER NUMBER

2836

DATE MAILED: 07/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/646,089

Applicant(s)

BOUJRA ET AL.

Examiner

Isabel Rodriguez

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Art Unit: 2836

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable by Dvorak et al. (US 5,825,643) in view of Durivage III (US 5,038,246).

a) Regarding claims 10-12 and 14, Dvorak et al. discloses an electronic tripping device for low-voltage circuit breakers comprising: adjusting devices (Fig. 3) for tripping devices and adjusting elements, being three key switches (52,56,58), and display element, being a numeric LCD element (13 and Fig.19), cooperating with the adjusting devices and mounted on at an operating face of the tripping device. The first key switch that selects a desired entry key (56), a second key that provides calibration and a third key switch activates the display fields in an absence of auxiliary power (52). See col. 3 lines 54-57. Dvorak et al. does not show an LCD for every element. Durivage III shows multiple LCDs for the different elements. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have multiple LCD elements to show more than one quantity at the same time. Although he shows only one LCD, it can be set to show each element. To show a different LCD for each element would be mere duplication of parts. It has been held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Art Unit: 2836

b) Regarding claim 13, Dvorak shows an electronic tripping device in which the displays are numeric and not bar displays. Durivage III shows an electronic tripping device display (Fig. 3a) consisting of bar displays (324, 332-335). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use bar displays because it provides a visual link between the numeric value and the actual quantity so it provides for a better visualization.

c) Regarding claims 15 and 16, Dvorak shows a tripping device but does not disclose the displays to be bar displays. In the case it were included using the rationale disclosed above, Durivage III shows a scale (332-335) arranged next to the bar displays. See col.6 lines 50-54. It is inherent that the scaling displays (332-335) will have a visual identification next to the bar displays to identify the quantities.

d) Regarding claim 17, Durivage III shows a scale but does not specify if the upper end of the bar indicating a value to be adjusted at the scale. The court has held that adjustability, where needed, is not a patentable advance. *In re Stevens*, 212 F.2d 197, 101 USPQ 284 (CCPA 1954)

3. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable by Dvorak et al. in view of Durivage III in further view of applicant's admitted prior art. Dvorak et al in view of Durivage III discloses an electronic tripping device with an LCD display but does not specify that it permanently displays the information to be displayed without supply of energy subsequent to reading the information to the LCD elements. Applicant's prior art discloses that this type of LCD is available to public sale and use. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use such an LCD to be able to read the last readings of the device in the event of a power outage.

Response to Arguments

4. Applicant's arguments filed 1/21/03 have been fully considered but they are not persuasive. Applicant's argument that Dvorak teaches away from mounting display elements at an operating face of the tripping device applicant is referred to figure 3. It is clear that in this embodiment of the invention it is shown an electronic tripping device for low-voltage circuit breakers comprising: adjusting devices for tripping devices and adjusting elements, being three key switches (52,56,58), and a display element.

Regarding applicant's argument regarding that the difference is that when the programmable device is removed from the tripping device, the tripping device cannot be adjusted, nor can the adjusted parameters be displayed on the tripping device. Applicant is reminded that only claimed features will be examined.

Regarding applicant's arguments that Dvorak eliminates the switches from the tripping device, applicant is referred to Fig. 3 as has been established in prior arguments.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isabel Rodriguez whose telephone number is 703-305-4761. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 703-308-3119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7724 for regular communications and 703-308-7704 for After Final communications.

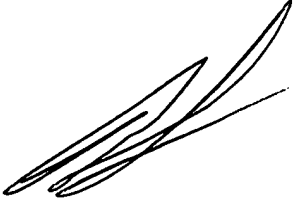
Application/Control Number: 09/646,089

Page 5

Art Unit: 2836

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

IR
May 1, 2003



BRIAN SIRCUS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800